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## ***Vacation of Public Right-of-Way, Private Ways and Easements***

**Bernalillo County** does not follow **Chapter 13** of the **DPM**. The procedures for vacating public right-of-way and private access easement are discussed below. Check with **DR** at **(505) 848-1520** for additional information. **DR** oversees the public right-of-way vacation process.

### **1. Vacation of Public Right-Of-Way**

The procedure to vacate a public right-of-way in **Bernalillo County** is as follows:

- 1.** All alterations of public right-of-way must conform to **Sections 67-2** and **67-6** of the **New Mexico State Statutes and County Resolutions AR-43-95** and **13-84** which are supplemental to **State Law**.
- 2.** Submit a plat to **ZBP**. The application will be processed as a **CDRA** platting case and must follow **Bernalillo County Subdivision Ordinance 74**. The plat application must be accompanied by:
  - a.** A petition regarding the intent to vacate the public right-of-way signed by all property owners that abut the public right-of-way.
  - b.** Documentation that the signers of the petition are the legal owners of record for the properties.
  - c.** A plat signature line for all property owners that abut the public right-of-way.
  - d.** The signature of a licensed **New Mexico Professional Surveyor** who must prepare the plat.
  - e.** Proof that the vacation does not landlock any lot or parcel.
- 3.** Obtain an appraisal of the proposed vacated land by an independent fee appraiser or by the **New Mexico Property Tax Division**.
- 4.** Arrange for purchase of the vacated land through **BCPWD**.
- 5.** All expenses and associated fees are to be paid by the property owners.
- 6.** All public right-of-way vacations must be approved by the **BCC** and **State Board of Finance**.

## 2. Vacation of Private Access Easements

The procedure to vacate private access easement in **Bernalillo County** is as follows:

1. Submit a plat to **ZBP**. The application will be processed as a **CDRA** platting case and must follow **Bernalillo County Subdivision Ordinance 74**. The plat application must be accompanied by:
  - a. Determination as to whether **Bernalillo County** has ever maintained a road within the private access easement.
  - b. A petition regarding the intent to vacate the private access easement signed by all property owners that are current and potential users of the private access easement.
  - c. Documentation that the signers of the petition are the legal owners of record for the properties.
  - d. A plat signature line for all current and potential users of the private access easement.
  - e. The signature of a licensed **New Mexico Professional Surveyor** who prepared the plat.
  - f. Proof that the vacation does not landlock any lot or parcel.
2. All expenses and associated fees are to be paid by the property owners.